

United States District Court
Eastern District of Michigan
Southern Division

Matthew Keith Alward,
v

22nd Circuit Court, et al.

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FILED
DEC 10 2024
CLERK'S OFFICE
DETROIT

Case: 24-cv-13109

Motion for Summary Judgement

And on this 4th day of December, 2024 Matthew Alward (Alward), pro se, in the above captioned case respectfully request this Honorable Court to issue a Summary Judgement in favor of Alward. The basis of this case is Alward is Challenging the detainer lodged by Washtenaw County and the miscalculated time credits, Alward has been in Law enforcement custody since November 2, 2019 with no lapse in custody. Alward was sentenced to his Federal Sentence on December 4, 2020 for 120 months prison. On August 8, 2023 Alward was finally able to contact the 22nd Circuit Court to lift the Bench Warrants for missing his Court dates from being arrested and get sentenced to 3-5 years prison concurrent with his federal sentence. The Court had not awarded the correct good time jail credits, 18 USC § 3585(a) and 18 USC § 3585(b) clearly gives credit to Alward. "3585(a) "Sentence commences on the date the defendant is received into custody" Clearly I was in custody and therefore deserve the credit awarded to reflect a commencement date of 11/2/19, the same as Alwards date of arrest. United States v. Wilson, 503 US 329, 335, 112 S.Ct. 1351, 117 L.Ed. 2d 593 (1992) "Because the offender has a right to certain jail time credit under § 3585 (b), and because the court cannot determine the credit at sentencing, the Attorney General has no choice but to make the

determination as an administrative matter." Alward is in the BOP and they cannot award the credit themselves as it has to be done by the Court System. Also See United States v. Croft. 3585(b) "A defendant shall be given credit towards service of a term of imprisonment for any time spent in the official detention." Alward is entitled by law and statute for this time credit as it was ordered a concurrent sentence. By awarding the correct time it will force the full term of 5 years for Alward, who has no objections to that. Alward is just trying to take advantage of ROAP which has an intense therapeutic session in the RRC of 4 months but can't go if the time credits are not corrected. The court can verify this from BOP Unit Manager David Holler at FCI Cumberland or email him at DHoller@bop.gov. Also 18 USC 3568 awards Alward with such credits.

Whereas Alward prays the court grant his Motion for a Summary Judgment in his favor properly awarding his time credits to match his federal date of commencement. If it matters Alward's state cases were ongoing at time of the Federal Indictment but was sentenced in the Federal Court first.

Respectfully,



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12/4/24

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